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In re Application of
KITAHARA, Keiichi *et al*
U.S. Application No.: 10/594,255
PCT No.: PCT/JP05/05483
Int. Filing Date: 25 March 2005
Priority Date: 30 March 2004
Attorney's Docket No.: 5048/76889
For: SURFACE PROTECTIVE SHEET

DECISION

This decision is in response to applicants' "Response to Notification of Missing Requirements" filed 13 August 2007 which is treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 25 September 2006, applicants filed papers to enter the national stage of PCT/JP05/05483 which included an executed declaration. The citizenship of one of the inventors was missing on the declaration.

On 07 June 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and surcharge fee of \$130.00 were required. The Form PCT/DO/EO/905 also indicated that the current declaration filed did not identify the citizenship of each inventor.

On 13 August 2007, applicants submitted a response which included an "Application Data Sheet" containing the citizenship of each inventor.

DISCUSSION

In the response filed 29 November 2004, applicants submitted an "Application Data Sheet" which contains the name, residence, mailing address and citizenship of all four joint inventors. Applicants argue that this is sufficient to satisfy the requirements of 37 CFR 1.497. Applicants are mistaken.

Applicants entering the national stage in the U.S. are required to file an oath or declaration of the inventor in accordance with 37 CFR 1.497(a) and (b). § 1893.01(e)

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MPEP. 37 CFR 1.497(a)(2) states that an applicant must file a declaration that identifies each inventor and the country of citizenship of each inventor.

A review of the declaration filed on 25 September 2006 shows that the citizenship of the second inventor was not provided. As such, the declaration does not comply with 37 CFR 1.497(a). An Application Data Sheet is not sufficient to rectify this error.¹

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

Applicants have **ONE (1) MONTH** to provide a declaration in compliance with 37 CFR 1.497(a) and (b), or any time remaining in the Form PCT/DO/EO/905 mailed 07 June 2007, whichever is longer.

Failure to properly respond in a timely manner will result in the abandonment of the application.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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¹ The citizenship of each inventor is also required on the oath or declaration pursuant to 37 CFR 1.63. An Application Data Sheet is not sufficient. See § 601 MPEP.